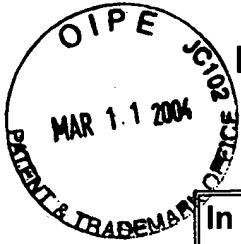


PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No.: BLAU

In re Application of:

MATTHIAS BLAU ET AL.

Appl. No.: 10/757,355

Filed: January 14, 2004

For: Implantierbarer Wandler

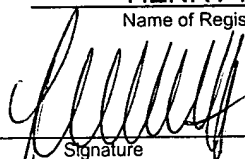
)
)
)
) Examiner:
)

) Group Art Unit:
)
)
)

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S I R:

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450", on March 8, 2004 (Date)	
HENRY M. FEIEREISEN Name of Registered Representative	
 Signature	3-8-2004 Date of Signature

In accordance with 37 C.F.R. 1.56, applicant wishes to call the attention of the Examiner to the references which were cited in the instant specification and to references which were cited in a German Office Action with regard to the corresponding German patent application No. 103 01 723.2. Applicant does not admit that any of the cited documents constitutes prior art against the pending application.

Copies of the references that are not U.S. patents are submitted herewith along with form PTO-1449. The Examiner is requested to initial the attached form PTO-1449 and to return a copy of the initialed document to the undersigned as an indication that the attached references have been considered and made of record.

- ☒ This Information Disclosure Statement is filed within three months of the filing date of a national application other than a continued prosecution application under 1.53(d), so that no fee under 37 C.F.R. §1.97 is due.
- ☐ This Information Disclosure Statement is filed within three months of the date of entry of the national stage as set forth in 1.491 in an international application, so that no fee under 37 C.F.R. §1.97 is due.
- ☐ This Information Disclosure Statement is filed before the mailing of a first Office Action on the merits, so that no fee under 37 C.F.R. §1.97 is due.
- ☐ This Information Disclosure Statement is filed before the mailing of a first Office Action after the filing of a request for continued examination under §1.114, so that no fee under 37 C.F.R. §1.97 is due.
- ☐ This Information Disclosure Statement is filed after the issuance of a first office but before issuance of a final action under §1.113, or a notice of allowance under §1.311.
- ☐ This Information Disclosure Statement is submitted after the mailing of a final action or a notice of allowance, but before payment of the issue fee.
- ☐ The undersigned submits the following statement requesting consideration of this statement:

The undersigned hereby states:

- ☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement;
- ☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the information disclosure statement.
- ☐ The fee of \$180.00 set forth in 1.17(p).
- ☐ The Commissioner is hereby authorized to charge the fee as set forth in 1.17(p), and any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-0502.
- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 06-0502.

In order to satisfy the requirement under 37 C.F.R. §1.98(a)(3) for a concise explanation of the relevance of each item of information, applicant herewith notes with respect to any information that is not in English language as follows:

German Pat. No. DE 198 58 398 C1 describes a tinnitus treatment implant which includes a gas-tight biocompatible electroacoustic transducer (15) for implantation in a mastoid cavity. The tinnitus treatment implant includes a power source (140) and an electronic signal generating unit (105) with a sound emitting transducer in the form of a gas-tight, biocompatible, implantable electroacoustic transducer (15) designed for positioning in a mastoid cavity after at least partial mastoidectomy so that emitted sound propagates through natural passages of the aditus ad antrum from the mastoid to the tympanic cavity.

German patent publication no. DE 198 58 399 A1 describes an electroacoustic converter for hearing aids including an electromechanical converter drive unit and a hermetically sealed metallic converter housing for enclosing the drive unit,. The converter housing includes one wall which is made as a bendable converter membrane, where the output-side of the converter drive unit which vibrates mechanically is coupled to the converter membrane in a manner that the converter membrane is excited in to bending vibrations to result in sound emission outside of the converter housing.

German patent publication no. DE 101 63 513 A1 describes an implantable hydroacoustic transducer for receiving sound and for converting it into electrical signals, and includes a hollow section with a flexible tube with a sleeve connected to it, whose free end is closed by a membrane. The hollow section contains the transducer and is filled with a liquid. The membrane can be coupled to the ear drum or the round window membrane for receiving sound.

German Pat. No. DE 100 30 372 is an addition to afore-mentioned DE 101 63 513 and relates also to an implantable hydroacoustic transducer for receiving sound and for converting it into electrical signals. The transducer includes a hollow section with a flexible tube with a sleeve connected to it, whose free end is closed by a membrane. The hollow section contains the transducer and is filled with a liquid. The membrane can be coupled to the ear drum or the round window membrane for receiving sound.

The above-identified application discloses and claims an invention patentable over this prior art.

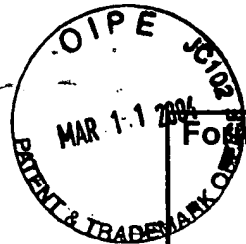
Entry of the references above set forth into the file of the above application is believed to be in order and is respectfully requested.

Respectfully submitted

By: 

Henry M. Feiereisen
Agent for Applicant
Reg. No. 31,084

Date: March 8, 2004
350 Fifth Avenue
Suite 4714
New York, N.Y. 10118
(212) 244-5500
HMF:be



Form PTO-1449

U.S. Department of Commerce
Patent and Trademark Office**INFORMATION DISCLOSURE CITATION**

Attorney's Docket No. BLAU	Applicant Matthias Blau et al.	Appl. No. 10/757,355
Filing Date January 14, 2004	Group	Examiner

U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date, if appropriate
	3,882,285	05-06-1975	Nunley et al.			
	4,988,333	01-29-1991	Engebretson et al.			
	5,411,467	05-02-1995	Hortmann et al.			
	3,870,832	03-11-1975	Fredrickson			
	554,096	02-04-1896	Strouse			
	3,712,962	01-23-1973	Epley			

FOREIGN PATENT DOCUMENTS

	Document Number	Date	Country	Class	Subclass	Translation
	WO 96/21333	07-11-1996	PCT			
	EP 0 831 673 A2	03-25-1998	Europe			
	0 263 254 B1	07-08-1992	Europe			
	WO 99/08480	02-18-1999	PCT			
	WO 94/17645	08-04-1994	PCT			
	WO 97/18689	05-22-1997	PCT			
	DE 10030372 C2	01-17-2002	Germany			
	DE 19858398C1	03-02-2000	Germany			
	DE19858399A1	07-06-2000	Germany			
	DE 10163513A1	07-17-2003	Germany			

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

Examiner:	Date considered:	

*Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.